

**REMARKS**

Claims 21-40 are pending in the application.

Claims 21-40 have been rejected.

No Claims have been amended, and reconsideration of the Claims is respectfully requested.

I. **PRIOR OFFICE ACTION (DATED DECEMBER 20, 2006)**

In the prior Office Action (December 20, 2006), Claims 21-38 and 40 were indicated as allowable over the art of record. In that Office Action, Claim 39 was rejected under § 101 as being directed to non-statutory subject matter. Applicant responded by amending Claim 39 to recite that the computer readable medium adapted the processor to “transmit a message for display on an agent terminal providing notification of a change in state.” In accordance with current practice before the Office and relevant caselaw, Applicant’s claim amendment expressly recited that the processor is operable to transmit of a message to an agent terminal. This clearly defines and recites a practical application, physical transformation, and/or provides a useful, concrete and tangible result – proper statutory subject matter.

II. **REJECTION UNDER 35 U.S.C. § 101**

Claims 21-40 are rejected under 35 U.S.C. § 101 as being directed to non-statutory subject matter. The rejection is respectfully traversed.

As note above, Applicant previously amended Claim 39 to recite that the computer readable medium adapts the processor to be operable to transmit a message for display on an agent terminal providing notification of a change in state. Support for this amendment may be found in the

Specification at page 6, lines 21-30. This clearly defines and recites a practical application, physical transformation, and/or provides a useful, concrete and tangible result. Claim 39 now recites statutory subject matter.

In addition to the rejection of Claim 39, the Office Action also now rejects Claims 21-38 and 40 – which were previously allowed. The complete substance of the current rejections is “since the computer readable medium is running the methods and the server claims.” Applicant respectfully submits that the Office Action has failed to establish a proper and prima facie rejection under § 101. There is no basis for this rejection. None of Claims 21-38 and 40 refer or recite a “computer readable medium.” The method and apparatus (server) claims are proper, and the rejection is not well-taken.

Accordingly, the Applicant respectfully requests the Examiner withdraw the § 101 rejection of Claim 21-40. Each claim recites statutory subject matter.

### III. CONCLUSION

As a result of the foregoing, the Applicant asserts that the remaining Claims in the Application are in condition for allowance, and respectfully requests an early allowance of such Claims.

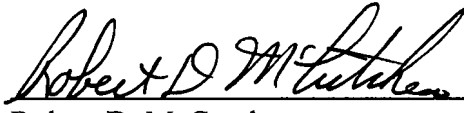
If any issues arise, or if the Examiner has any suggestions for expediting allowance of this Application, the Applicant respectfully invites the Examiner to contact the undersigned at the telephone number indicated below or at *rmccutcheon@munckbutrus.com*.

The Commissioner is hereby authorized to charge any additional fees connected with this communication or credit any overpayment to Munck Butrus Deposit Account No. 50-0208.

Respectfully submitted,

MUNCK BUTRUS, P.C.

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